

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB1706

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Kory

3. Committee: Commerce and Labor

4. Title: Workers' compensation; PTSD.

5. Summary: Declares that post-traumatic stress disorder (PTSD) suffered by a first responder is an occupational disease suffered in the line of duty if, among other conditions, the PTSD is demonstrated by clear and convincing evidence to have resulted from the responder's documented exposure to a qualifying event in the course of his employment. Qualifying events include seeing a deceased minor, directly witnessing the death of a minor, and seeing a decedent whose death involved grievous bodily harm of a nature that shocks the conscience. The measure also requires employers of first responders to provide educational training related to PTSD awareness, prevention, mitigation, and treatment.

6. Budget Amendment Necessary: No – see Item 8. According to the Virginia Retirement System (VRS), the inclusion of PTSD as a disease declared to have occurred in the line of duty should not increase the number of VRS work-related disability retirements since the volunteers that are included in the definition of “first responders” would not be eligible to apply for any VRS disability retirement. The bill could impact the cost of benefits under the Line of Duty Act (LODA) and premiums charged to employers participating in the Line of Duty Death and Health Benefits Trust Fund. However, the impact on LODA is not known at this time.

7. Fiscal Impact Estimates: Indeterminate – see Item 8.

8. Fiscal Implications: The proposed legislation applies to certain employees listed in § 65.2-101, Code of Virginia, including auxiliary or reserve police, volunteer firefighters, volunteer emergency medical services agency personnel, etc. A review of the past five years of workers' compensation claims, by the Department of Human Resource Management's Workers' Compensation Program, did not return any claims for PTSD from this group of employees. Based on the current workers' compensation claims data, the fiscal impact the proposed legislation may have on the Workers' Compensation Program cannot be determined at this time.

According to VRS, the fiscal impact of the proposed legislation on LODA cannot be determined at this time because “first responder”, as defined in the proposed legislation, is not referenced in LODA, Chapter 4 of Title 9.1, Code of Virginia.

9. Specific Agency or Political Subdivisions Affected: Department of Human Resource Management, Virginia Retirement System, Workers’ Compensation Commission, and all employers of volunteer “first responders”, as defined in the proposed legislation, who are eligible for benefits under the Line of Duty Act (LODA).

10. Technical Amendment Necessary: No.

11. Other Comments: The proposed legislation is similar to House Bill 2281 (Filler-Corn), House Bill 2513 (Hugo), and Senate Bill 1465 (McPike).